

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

CENTER FOR BIOLOGICAL DIVERSITY, a
non-profit organization; WATERKEEPER
ALLIANCE; and RIVERKEEPER, INC.,

Plaintiffs,

v.

ANDREW WHEELER, in his official capacity
as Administrator of the U.S. Environmental
Protection Agency, and THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

Defendants.

CIVIL CASE MANAGEMENT PLAN
(JUDGE RAKOFF)

20cv6572 (JSR)

**This Court requires that this case shall be ready for trial on
2-2-2021**

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

- A. This case **is not** to be tried by jury.
- B. Joinder of additional parties must be accomplished by Sept. 18, 2020
- C. Amended pleadings may be filed without leave of Court until September 25, 2020.
- D. Discovery and E. Summary Judgment Motions

Although the Court's August 25, 2020 Order directs the parties to submit a proposed discover schedule, the parties respectfully request that they be relieved of this obligation, and to instead submit a proposed briefing schedule. *See* Local Civil Rule 16.1 (exempting agency review cases from the mandatory scheduling order required by Fed. R. Civ. P. 16(b)). The Parties do not anticipate the need for any discovery to resolve their cross-motions for summary judgment in this lawsuit. As follows, in lieu of the discovery schedule, the Parties jointly propose the following briefing schedule:

Plaintiffs shall file and serve a motion for summary judgment by **October 12, 2020**.

Defendants shall file and serve a cross-motion to dismiss or in the alternative for summary judgment and brief in opposition to Plaintiffs' motion for summary judgment by **November 20, 2020**.¹


Plaintiffs shall file a reply in further support of their motion for summary judgment and opposition to Defendants' motion(s) by **December 18, 2020**

Defendants shall file a reply in further support of their motion(s) by **January 15, 2021**

F. A final pre-trial conference, as well as oral argument on any summary judgment motions, shall be held on 1/25/21 2pm [date to be inserted by the Court], at which time the Court shall set a firm trial date. The timing and other requirements for the Joint Pretrial Order and/or other pre-trial submissions shall be governed by the Court's Individual Rules of Practice.

G. All motions and applications shall be governed by Judge Rakoff's Individual Rules of Practice. Counsel shall promptly familiarize themselves with all of the Court's Individual Rules, as well as with the Local Rules for the United States District Court for the Southern District of New York.

SO ORDERED.



JED S. RAKOFF
U.S.D.J.

DATED: New York, New York

9/2/20

¹This motion to dismiss constitutes Defendants' response to the Complaint, and would supplant any other deadline to answer the Complaint under Fed. R. Civ. P. 12(a)(2).